Remarks

I. Introduction

Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are pending in this application. By this amendment, claims 1, 3, 7-10, 12, 13, 15, 16, 21-25, 27, 28, 30-33, 39-42, 44, 46, 47, 52-55, 57-59, 51-63, and 100-102 have been amended to more clearly distinguish over the prior art of record and/or to correct other non-substantive deficiencies. Reconsideration, in view of the foregoing amendments and following remarks is respectfully requested.

II. Rejections under 35 U.S.C. § 112

Applicants appreciate the Examiner's indication that the previous rejections under 35 U.S.C. § 112, 2nd Paragraph have been withdrawn.

III. Rejections under 35 U.S.C. § 103(a)

All the pending claims, that is, claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102, stand rejected under 35 U.S.C. § 103(a) as allegedly anticipated by U.S. Patent 6,513,019 to Lewis ("the '019 patent") in view of Published U.S. Patent Application No. 2004/0059651 ("the '651 application"). In view of the amendments made to the claims and the remarks set forth below, Applicants respectfully traverse the rejection.

In particular, Applicants respectfully submit that the combination of applied references fails to disclose or even suggest systems and methods for creating a standardized database of private company financial statement information comprising, ***inter alia***, receiving a file containing financial statement information, the financial statement information originating from a general ledger accounting system used to maintain the accounting records of the submitting business, and that is based on a first set of performance classifications, converting the financial

statement information from the first format to a second standardized format using an automated conversion mapping process that correlates one or more one or more performance classifications of the first set of performance classifications and one or more respective performance classifications of a second set of standardized performance classifications, aggregating the converted financial statement information in a database with converted financial statement information of other private companies thereby creating a database of standardized private company financial statement information, analyzing the converted financial statement information based at least in part on one or more performance metrics, generating at least one report based on the results of analyzing for the submitting business, and providing the at least one report to at least one requesting party upon request, as substantially recited in each of the independent claims, that is, claims 1, 24, 33, 55, 100, 101, and 102.

The disclosure of the '019 patent describes a financial data reporting system that provides for real time data entry, data assessment, and report generation. At a high level it describes a data processing system for real time standardization, aggregations, consolidation, storage and distribution of financial data that is obtained from multi-formatted disparate sources (See, col. 1, lines 6-13). However, this high level description is insufficient to reject the specific elements recited in the claims of the instant application. Applying a rigorous comparison between these claim elements and what is specifically disclosed in the '019 patent, reveals that the latter simply does not perform the recited steps, nor include the recited structure of the methods and systems claimed in the instant application.

The system described in the '019 patent is directed to managing financial information related to sophisticated financial transactions and their associated record keeping. "These transactions include the trading of numerous and diverse forms of financial instruments such as

equities, warrants, bonds, options, commodities, loans, repurchase agreements, and a full collection of complex fixed income and sophisticated derivatives products, denominated in multiple currencies." Due to mergers and acquisitions in the banking and financial sector, this financial information is often maintained in multiple disparate systems. *See* '019 patent at col. 1, lines 21-36.

According to the '019 patent, incoming data messages are received in real or near real time. These messages are read, parsed, and confirmed to a standard structure. The system recognizes three fundamental categories of information: messages containing financial transactions, messages containing market data updates, and messages containing customer/counterparty data updates. The first two categories clearly do not apply to the claims of the instant application which recite receiving financial statement information from a contributing business as an electronic data file, the financial statement information associated with the contributing business and originating from a financial accounting system used by the contributing business to maintain its general ledger accounting records. The third category, customer/counterparty data updates is on its face vague. However, an examination of the specification reveals that this third type of information is also inapplicable. For example, starting at col. 3, line 49, the '019 specification describes the three categories of messages in the context of FIG. 3 – transactions, market data records, and data records that contain changes to attributes. Regarding the third category, the specification states:

> Finally, similar sets of disparate flows occur in each region for data records that contain changes to attributes (e.g., addresses, settlement instructions, credit rating). Pertaining to various types of customers (e.g., retail brokerage, corporate lending, insurance, mutual fund) and counterparties (brokers/dealers, investment managers). *See* col. 4, lines 1-6.

This disclosure clearly does not even suggest financial statement information originating from a financial accounting system used by the contributing business to maintain its general ledger

accounting records. Moreover, the '019 patent does not create a database of standardized private company financial data by aggregating the converted financial statement information with financial statement information associated with at least one other business, as required by the claims. Rather, it converts the incoming messages – which do not contain financial statement information taken from the submitting business' general ledger accounting system – to a format that is recognized by the information server. After processing by the appropriate information server, the data is placed in a database where it updates information that was derived from previously processed messages. The database makes the data and the information available for access by and distribution to numerous customers. See '019 patent at col. 8, line 58 to col. 9, lines 7. Admittedly, this system receives inputs from a myriad of different transaction origination and settlement systems (col. 9, lines 3-4), but transaction origination and settlement systems ***are not*** analogous to systems used to maintain financial statement information, *i.e.*, general ledger accounting systems. Neither of these types of systems maintains the same information as the other.

In the system of the '019 patent, there are three information servers 110, 111, and 112 (See FIG. 4) which correspond to the three type incoming messages: accounting information, market data information and customer/counter party information. Although the name accounting information implies that this may be financial statement information, the specification provides a more narrow definition that excludes such data. For example, starting at col. 9, line 16, the specification describes how the so-called accounting information server processes messages. "The Accounting Information Server processes incoming messages that contain transaction data and post results in financial terms (cash, fees, shares, interests, and the like). Thus, these incoming transactions are aggregated and netted in real time to specific ledger entries." While

this may constitute "accounting" in the verb sense of the word, the Accounting Information Server is clearly not processing financial statement information taken from the general ledger accounting system used to maintain the submitting business' accounting records. Likewise, the Accounting Information Server does not create or maintain a database of standardized private company financial statement information.

In the section of the Office Action labeled "Response to Arguments" the Examiner argues that processing transactions is but one mode of Lewis. This could not be more untrue – it is in fact the only mode of Lewis (the '019 patent). The Examiner points to the background discussion at col. 3, line 22 which purports to demonstrate that Lewis is "concerned" with general ledger and financial statement activities (quoting the Office Action at p. 4, lines 9-12). This section of the specification is merely making a factual statement that is unrelated to the specific system of the '019 patent, namely, that "Firm profitability, general ledger, and financial statement activities also involve time sensitive assessment and refinement of account activities and transactions." Applicants agree with this statement, but it does not evidence that the '019 patent anticipates receiving financial statement information and converting it to make a database of standardized private company financial statement information. Scrutiny of the '019 patent shows that it in fact, it does not and can not do this.

The Response to Arguments section of the Office Action also points to col. 19, line 37 of the '019 patent as allegedly teaching receiving accounting information from legacy customer or counter party ledger-based accounting systems. Applicants have examined this portion of the '019 patent but can find no support for this allegation. This section states as follows:

> Similar to the Market Data Information Server, the Customer/Counterparty Information Server has four processes: (i) Acquisition, (ii) Validation, (iii) Constructions, and (iv) Distribution. However, rather than sourcing its data from data vendors, the Customer/Counterparty Information Server typically sources its

> data from the multiple legacy customer and counter party data files that have been accumulated by the financial firm over time, as well as sourcing its data from direct entry from user desktops. Finally, the Customer/Counterparty Information Server has a complementary desktop application, 140 FIG. 4 and FIG. 22, that allows users to enter messages for processing by the Customer/Counterparty Information Server, including establishing new accounts, linking customers to accounts, establishing account groups, assigning responsibilities for customer and counterparties to employees, organization units, geographic locations, and the like.

Thus, it is obvious that this section does not stand for the proposition suggested by the Examiner – it does not show that accounting information is received from legacy customer or counterparty general ledger accounting systems or that it receives financial statement information at all.

Finally, in the Response to Arguments section, the Examiner relies on col. 14, line 57 to teach that the information taken from the customer and counterparty legacy systems is categorized in accounts classified by a chart of accounts. Applicants agree that as stated at this portion of the '019 patent, each position or balance in the Accounting Information Server is classified according to a Ledger name, (e.g., "Trade Settlement Payable", "Cash") and that a set of Ledgers are collectively given a Chart of Accounts name ("Chart 1"). However, it is unclear what the Examiner is equating this to in the claims. This appears to underscore the fact that in the system of the '019 patent the Accounting Information Server merely processes financial transaction information which supports rather than detracts from Applicants argument that this reference does not render obvious the claims of the instant application.

Focusing on the rejection of claim 1 set forth in the Office Action, Applicants respectfully submit that the rejection fails to make out a prima facie case of obviousness. Contrary to the Office Action, the '019 patent does not receive financial statement information taken from the submitting business' general ledger accounting system. In rejecting this feature, the Examiner cites to Items 100 and 112 (FIG. 4), both of which are alleged to receive electronic data on a transaction/messages basis that originates from a financial accounting system used by

the contributing business to maintain its accounting records. As discussed in the preceding paragraphs, col. 19, starting at line 37 does not teach this feature. This section merely states that the system sources its data from data files that have been accumulated by the financial firm over time. Therefore, the rejection is deficient in this regard.

While the system of the '019 patent does convert messages into a standard format that can be recognized by the data processor, and aggregates it with other data, it does not create a database of standardized private company financial statement information. No financial statement information is received in the '019 patent therefore this step can not be performed in that system. Therefore, the rejection is deficient in this regard as well.

The system described in the '019 patent also fails to perform the step of analyzing the converted financial information associated with the contributing business based at least in part on one or more performance metrics with an automated program executing on the data processing system. Not only does the '019 patent not disclose that the analysis is based at least in part on one or more performance metrics, the system is merely a platform from which user systems can perform their own analysis. In rejecting this claim feature, the Examiner has merely pointed to "numerous analysis modules at Figure 4, items 150 and related discussion." *See* Office Action at p. 7, line 7. These "numerous analysis modules" are end user systems, they are not controlled under the operation of the system of the '019 patent because they are not part of that system. They merely represent what types of analysis can be done with the data in the system of the '019 patent (Because the inventive system standardizes disparate data that originates in disparate systems and makes both the standardized data and the information that is derived from the incoming data accessible via standard business objects, the development of proprietary analytic

applications, and integration with commercially available analytic applications, is greatly streamlined, *see* col. 14, line 4).

The '019 patent's failure to disclose or even suggest this feature highlights a fundamental distinction between the system of the '019 patent and the instant application that has been apparently overlooked by the Examiner. This distinction is that the former system is a platform from which the end users can perform various analytic functions using their own or commercially available analytic systems, while the latter performs these functions as well as the allowing the end user to access this functionality directly. Therefore, in the former, the analytics (element 150 in Figure 4) such as risk, funding, P&L, compliance, general ledger, credit, front office, back office, and other applications, are not part of the system of the '019 patent. As labeled in Figure 4, these are "User" systems. This is reinforced by the disclosure beginning at col. 13, line 59, which states as follows:

> Generating multiple views of the impact of transactions, integrated with changes to market instruments or customer/counterparty status (e.g., a change in a price, bond rating, or customer/counterparty credit rating; or a corporate action or bankruptcy announcement), support enterprise analytical processing. Examples of critical analytics performed by major financial firms include risk and liquidity analysis, performance measurement, and compliance with in-house and regulatory standards. Roll-up to the enterprise general ledger system is another form of such analytics, with the inventive system performing the role of an integrated sub-ledger and supporting integrated roll-up to and drill-down to/from the general ledger. Because the inventive system standardizes disparate data that originates in disparate systems (as indicated in FIG. 16), and makes both the standardized data and the information that is derived from the incoming data accessible via standard business objects, the development of proprietary analytic applications, and integration with commercially available analytic applications, is greatly streamlined. Block 150, FIG. 4.

Thus, the information received and aggregated in the system of the '019 patent, that is the transaction, market, and customer/counterparty status information, can be used to support analytical processing by an enterprise – it does not provide this analytical processing with respect to these categories, but rather only with respect to transactions of financial instruments. With

specific regard to the general ledger, it merely states that roll-up to the general ledger is another form of analytics. The '019 systems role in this is limited to a sub ledger of transactions – it is a platform that may be used in conjunction with performing general ledger analytics but it does not maintain the financial statement information from that entities' general ledger accounting system. This distinction may appear subtle but it is quite significant because it highlights the fact that '019 patent simply does not disclose the claimed method steps or claimed structure of the claims of the instant application.

Thus, the rejection of the claims of the instant application based on the '019 patent suffers from several shortcomings. The '019 patent does not receive financial statement information from a general ledger accounting system. It does not convert the data from a first format to a standardized format using a conversion map that defines a correspondence between one or more performance classifications of the first set of performance classifications and one or more respective performance classifications of a second set of standardized performance classifications (in fact, performance classifications are not disclosed at all). It does not aggregate the converted financial statement information with financial statement information associated with at least one other business, thereby creating a database of standardized private company financial statement information (no database of standardized private company financial statement information is created). It does not analyze the converted financial information associated with the contributing business based at least in part on one or more performance metrics with an automated program executing on the data processing system (to the extent that analysis is discussed it is in the context of types of analysis enterprises might want to do that is based at least in part on the data maintained in the system of the '019 patent).

The Examiner relies on the '651 application to teach the specific steps of converting the received information based on a conversion map that defines a correspondence between one or more performance classifications of the first set of performance classifications and one or more respective performance classifications of a second set of standardized performance classifications. The '651 application teaches the back end processing for a system and method for converting financial accounting comporting with one accounting standard to another. It is only a system or application for performing this narrow function. Without regard to whether or not the '651 application teaches the specific elements recited in the instant application's claims, Applicants assert that the combination of these two references is counter intuitive and inconsistent with the teaching of either.

The '019 patent converts messages into a format that can be recognized by the information server that will process it. Thus, after the message conversion, the system of the '019 patent has data and/or information (transactional, market, or customer/counterparty) in the format that it needs. In contrast, the '651 application provides substantial detail on a method of converting financial data in the form of journal entries that are in one format, such as a foreign country's GAAP into another format, such as U.S. GAAP. Such a system could be used for the back end mapping in the system of the claimed invention, but is wholly unnecessary and inconsistent with the system of the '019 patent because the latter system does not receive accounting information requiring such a conversion and because to the extent that conversion is done in the system of '019, it is on the format of the messages not the underlying data. Thus, combining the teaching of the '651 application with that of the '019 patent fails to create a prima facie case of obviousness.

As discussed in the response to the last Office Action, on one hand, the combination is counter intuitive. The system of the '019 patent is for generating real or near real-time reports on securities and categories of securities based on actual and anticipated trade and position information. The methodology discussed in the '651 application is for converting accounting information from one standard to another. Therefore, applying the methodology of the '651 application to the system of the '019 patent would not make sense as it would prove no enhancement to that system. Instead it would provide features that are incompatible. The system described in the '651 patent already possesses methodology for converting, to the extent that it needs to convert incoming messages describing financial transactions, market data updates, and customer/counterparty updates from one format to another. Thus, it would have no use for a methodology for converting from one accounting standard to another accounting standard as this type of data is not received by the system.

Secondly, even if we assume ***arguendo*** that such a combination would be proper and/or intuitive, it would still fail to yield the claimed invention. The result would be a system for performing financial data reporting on securities and transactions in those securities with a methodology for converting data comporting with one set of Generally Accepted Accounting Principles (GAAP) to another.

In contrast, to such a combination, the system of the claimed invention provides a complete platform for collecting private company performance data directly from companies' general ledger accounting system, converting that data using a conversion mapping, standardizing it, analyzing it accordance with one or more performance metrics, aggregating it with financial data of other companies to thereby generate a database of standardized private company financial statement information, and generating reports specific to that company, based

on the results of the analysis. The systems and methods of the instant application provide an up-to-date platform for collection, analysis, and reporting of private company financial performance data that was previously unavailable in the commercial market place and not yet described in the patent literature. The combination of these two alleged prior art references fails to anticipate or render obvious such a system.

Accordingly, based on the numerous deficiencies of the rejection based on the '091 patent in view of the '651 application, Applicants submit that independent claim 1, as well as the other independent claims, that is, claims 24, 33, 55, 100, 101, and 102, are all patentable over the combination of applied references because each of these claims contain at least these claim features discussed above. The remaining dependent claims are likewise patentable for at least the reasons discussed in the context of the traversal of the rejections of the independent claims. Therefore, Applicants respectfully request that the rejections of the claims under § 103 be withdrawn.

Applicants note that there are other claim features in addition to those discussed above, which are not taught in either of the references. For example, claim 3 recites that the at least one electronic report includes at least one alert indicator to identify at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value specified by the at least one recipient that exceeds an adjustable threshold associated with the at least one performance metric. This is similarly recited in claims 16, 28, 35, 47, 59, and even in independent claim 101. In rejection this claim limitation, the Examiner has merely pointed to the portion of the specification at col. 5, line 55 which states:

> It is yet another object of the present invention to proactively "alert" users and other applications when a situation occurs that warrants immediate attention. For example, alert the appropriate users and applications that as the result of a

> transaction, market change, or customer/counterparty change, a financial threshold or limit has been breached.

This terse disclosure does not render obvious the specific claim requirement that the electronic report includes at least one alert indicator to identify at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value specified by the at least one recipient that exceeds an adjustable threshold associated with the at least one performance metric. As noted above, the information in the '019 patent does not have performance metrics of converted financial information. Moreover, an "alert indicator" is not the same as "alerting" the appropriate users.

As another example of a deficiency in the Office Action, claim 100 recites, ***inter alia***, generating at least one electronic report based on the analyzing, wherein generating a report comprises generating a web page-based analysis dashboard for visualizing results of the analyzing, the dashboard detailing at least one historical trend for one or more performance metrics associated with the business for the private business. In rejecting this claim feature, the Examiner has relied upon the '019 patent's alleged teaching of visualization (item 145 in FIG. 1) and the discussion beginning at col. 21, line 63.

Because there is no item 145 in FIG. 1, Applications have assumed the Examiner intended to reference FIG. 4. The discussion beginning at col. 21, line 63 refers to a Time Series Engine 180, which enables the user to enter historical queries and reports as of a specified data and time or across a historical period. However, because the system of the '019 patent does not analyze financial statement information in accordance with one or more performance metrics (there is no financial statement information received in the system of the '019 patent, there is no mention of performance metrics explicitly in the '019 patent, and to the extent analytics are

performed, they are done using external systems that interact with the data maintained in the '019 patent's system) the '019 patent does not render obvious this claim feature.

IV. Conclusion

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are respectfully requested. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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